

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Final Office Action dated January 12, 2004. In that Office Action, claims 1-37 were examined, and all claims were rejected. Reconsideration of these objections and rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

Claims 1-37 are in the application. No claims have been amended, no new claims have been added, and no claims have been canceled. Therefore, claims 1-37 remain present for examination.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects claims 1-37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,199,111 of Hara et al (hereinafter “Hara”) and U.S. Patent No. 6,199,180 of Ote et al. (hereinafter “Ote”). The Applicant respectfully traverses the rejection since the Examiner has failed to establish a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, the Examiner must establish: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine their teachings; 2) a reasonable expectation of success of such a modification or combination; and 3) a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j). As will be discussed in detail below, the references cited by the Examiner fail to teach or suggest each claimed limitation. Specifically, the references, alone or in combination, fail to teach or suggest a control module that instantiates or otherwise initiates a server object in a server process and the server object instantiating or otherwise initiating a client object on the client machine. Further, the Examiner does not provide evidence that the suggestion or motivation to modify or combine the reference cited is explicit or implicit in the reference cited. Further, the Examiner does not provide any evidence that knowledge of one skilled in the art would provide the suggestion or motivation to modify or combine the reference. Finally, the Examiner does not provide evidence of a reasonable expectation of success of such a modification or combination.

Generally, the pending claims relate to automating control over one or more client machines, such as personal computers, using a server object, a client object, and a control module. The control module initiates the server object in a server process and the server object

initiates the client object on the client machine. As defined on page 8, lines 8 and 9 of the detailed description and consistent with common usage, objects are software modules that can encapsulate both data and functionality. Also as defined in the detailed description, initiation of an object can be accomplished by instantiating the object. (See for example pages 8-10 and 12-13) Instantiation includes creating, initializing, and executing the object.

Hara “relates to a network computing system for updating and adding data in a distributed client-server system through a network.” (Col. 1, lines 6-8) Under Hara, a client system having a common communication unit communicates via a connection management unit with a plurality of servers each having a common communication unit. (Col. 4, lines 29-65) That is, Hara teaches data communications between a client and one or more servers through a connection management unit. However, Hara does not teach or suggest a control module that instantiates or otherwise initiates a server object in a server process and the server object instantiating or otherwise initiating a client object on the client machine.

Ote relates to “a manager for monitoring and controlling faults and performance of a plurality of computers on a network.” (Col. 1, lines 8-15) Under Ote, a service processor board in the computer to be managed monitors faults in and controls power to the computer. A remote management computer communicates with the service processor board via an asynchronous communications interface. Through the connection to the service processor board, the remote computer can monitor faults in and control power to the computer to be managed. (See generally Col. 3) Therefore, Ote teaches monitoring of and control of power to a client from a remote management computer through a service process board in the computer to be managed. However, Ote does not teach or suggest a control module that instantiates or otherwise initiates a server object in a server process and the server object instantiating or otherwise initiating a client object on the client machine.

Claim 1, upon which claims 2-15 depend, is directed to a machine automation system for automating control of a client machine under control of a server process. Claim 1 recites in part “a machine automation server object adapted to execute in the server process; a machine automation client object adapted to execute on the client machine in communication with the machine automation server object; and a machine automation control module initiating the machine automation server object in the server process and instructing the machine automation server object to initiate the machine automation client object on the client machine to control

operation of the client machine.” Neither Hara nor Ote, alone or in combination, teach or suggest a machine automation control module initiating a machine automation server object in a server process and instructing the machine automation server object to initiate a machine automation client object on the client machine to control operation of the client machine. Rather, Hara teaches data communications between a client and one or more servers through a connection management unit while Ote teaches monitoring of and control of power to a client from a remote management computer through a server process board. For at least these reasons, claims 1-15 should be allowed.

Claim 16, upon which claims 17-32 depend, is directed to a method for automating control of a client machine under control of a server process. Claim 16 recites in part “executing a machine automation control module in the server process; initiating a machine automation server object in the server process, under command of the machine automation control module; instructing the machine automation server object to initiate a machine automation client object on the client machine; and instructing the machine automation server object to cause the machine automation client object to control operation of the client machine.” Neither Hara nor Ote, alone or in combination, teach or suggest initiating a machine automation server object in the server process, under command of the machine automation control module, instructing the machine automation server object to initiate a machine automation client object on the client machine, and instructing the machine automation server object to cause the machine automation client object to control operation of the client machine. Rather, Hara teaches data communications between a client and one or more servers through a connection management unit while Ote teaches monitoring of and control of power to a client from a remote management computer through a server process board. For at least these reasons, claims 16-32 should be allowed.

Claim 33 is directed to a computer data signal encoding a computer program for executing a computer process automating control of a client machine under control of a server process. Similarly, claim 34 and claim 35, upon which claims 36 and 37 depend, are directed to a computer program storage medium and a computer program product for executing a computer process automating control of a client machine under control of a server process. These claims recite executing a machine automation control module in the server process, initiating a machine automation server object in the server process, under command of the machine automation control module, instructing the machine automation server object to initiate a machine

automation client object on the client machine, and instructing the machine automation server object to cause the machine automation client object to control operation of the client machine. Neither Hara nor Ote, alone or in combination, teach or suggest executing a machine automation control module in the server process, initiating a machine automation server object in the server process, under command of the machine automation control module, instructing the machine automation server object to initiate a machine automation client object on the client machine, and instructing the machine automation server object to cause the machine automation client object to control operation of the client machine. Rather, Hara teaches data communications between a client and one or more servers through a connection management unit while Ote teaches monitoring of and control of power to a client from a remote management computer through a server process board. For at least these reasons, claims 33-37 should be allowed.

In summary, the combination of Hara and Ote are no more relevant to the claims than either reference alone since the references, alone or in combination, fail to teach or suggest all claimed limitations. Specifically, the references fail to teach or suggest a control module that initiates a server object in a server process and the server object initiating a client object on the client machine. The Examiner does not provide evidence that the suggestion or motivation to modify or combine the reference cited is explicit or implicit in the reference cited. Further, the Examiner does not provide any evidence that knowledge of one skilled in the art would provide the suggestion or motivation to modify or combine the reference. Finally, the Examiner does not provide evidence of a reasonable expectation of success of such a modification or combination. As such, the Examiner has failed to establish a *prima facie* case of obviousness. The rejections should therefore be withdrawn and the claims be allowed.

Conclusion

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments it is believed that the application is now in condition for allowance. Applicants request the application be allowed and pass to issuance as soon as possible. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned attorney to resolve those issues.

Respectfully submitted,

Dated: 3/11/04



A handwritten signature in black ink, appearing to read "William J. Daley". It is written in a cursive, flowing style.

William J. Daley, Reg. No. 52,471
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
303.357.1651